

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DEVRON REED, et al.

Plaintiffs

v.

**BANK OF AMERICA HOME LOAN,
et al.**

Defendants

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Civil No.: PJM 13-3265

MEMORANDUM OPINION

Defendant Bank of America, N.A. (“BANA”) removed this action here from the Circuit Court for Howard County based on diversity jurisdiction. BANA then filed a Motion to Dismiss (Paper No. 6). Following the Motion to Dismiss, Plaintiff Devron Reed filed a Motion to Continue and Defer Ruling on Defendant’s Dispositive Motion (Paper No. 11). The parties subsequently filed a series of consent motions to stay the case pending settlement negotiations. The stay expired on May 8, 2014, and BANA filed an Opposition to the Motion to Continue the same day, informing the Court that no settlement has been reached. For the following reasons, Reed’s Motion to Continue and Defer Ruling on Defendant’s Dispositive Motion (Paper No. 11) is **DENIED**.

Reed’s Motion to Continue requests an opportunity to conduct limited discovery prior to the Court ruling on the Motion to Dismiss, but fails to cite precedent for this unusual request. Motions to Dismiss pursuant to 12(b)(6) are limited to the pleadings, and a party may not conduct discovery unless it shows good cause under Fed. R. Civ. P. 56(d). Because the Motion to Dismiss is not converted to a Rule 56 Summary Judgment motion, no good cause has been

shown, and Reed will not be allowed to conduct discovery before the Court rules on the Motion to Dismiss.

The Court therefore **DENIES** Reed's Motion to Continue and Defer Ruling on Defendant's Dispositive Motion (Paper No. 11). Plaintiffs will be given **forty-five (45) days** from the date of this Order to file a Response in Opposition, and Defendant will be given **thirty (30) days** from the filing of the Response to file a Reply

A separate Order will **ISSUE**.

June 9, 2014

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE